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(Pending Pro Hac Vice Admission)  
14 Attorneys for Plaintiffs

15 **UNITED STATES DISTRICT COURT**  
16 **DISTRICT OF NEVADA**

17 -----X  
18 QUY NGOC TANG and JOSEPH )  
19 CESARZ, and all persons whose names )  
are set forth in Exhibit A, individually )  
20 and on behalf of all others similarly )  
situated, )  
21 Plaintiffs, )  
22 vs. )  
23 WYNN LAS VEGAS, LLC, )  
Defendant. )  
24 \_\_\_\_\_ )  
25 )  
26 )  
27 )  
28 )

Docket:

COMPLAINT

26 COMES NOW Plaintiffs, QUY NGOC TANG and JOSEPH CESARZ, and  
27 those persons set forth in Exhibit "A" ("Plaintiffs"), for themselves and all others  
28 similarly situated, through their attorneys, and allege the following upon personal

1 knowledge as to themselves and their own acts, and upon information and belief as to  
2 all other matters:

### 3 JURISDICTION AND VENUE

4 1. This Court has jurisdiction pursuant to Section 16(b) of the Fair Labor  
5 Standards Act, 29 U.S.C. §216(b), which provides, “An action to recover the liability  
6 prescribed in either of the preceding sentences may be maintained against any  
7 employer...in any federal or state court of competent jurisdiction by any one or more  
8 employees for and on behalf of himself or themselves and other employees similarly  
9 situated.” A “Consent to Joinder” form for each individual plaintiff, all of the persons  
10 listed on Exhibit “A,” either has been filed with the Court with this Complaint or will  
11 be filed with the Court after the filing of this Complaint but prior to its service upon  
12 defendant.

13 2. Venue is proper in the United States District Court for Nevada because  
14 Defendant conducts business in Clark County Nevada, plaintiffs reside in Clark  
15 County, Nevada, plaintiffs worked for defendant in Clark County, Nevada, and the acts  
16 complained of herein happened in or around Clark County, Nevada.

### 17 **BACKGROUND AND PARTIES**

18 3. Plaintiffs, on behalf of themselves and all others similarly situated  
19 (collectively “Plaintiffs”), by their attorneys, bring this action against defendant.

20 4. WYNN LAS VEGAS, LLC is a limited liability corporation formed and  
21 existing pursuant to the laws of the State of Nevada and having its principle place of  
22 business in Clark County, Nevada.

### 23 **AS AND FOR A CLAIM FOR RELIEF** 24 **UNDER THE FAIR LABOR STANDARDS ACT**

25 5. The defendant employs the plaintiffs and hundreds of other persons as  
26 casino dealers in their casino, the Wynn Las Vegas also partially known as Encore.

27 6. Pursuant to Section 16(b) of the FLSA, the individual plaintiffs bring this  
28 Complaint as a collective action (also commonly referred to as an “opt-in” class or “an

FLSA class”), on behalf of themselves and all persons similarly situated who consent to join this litigation by filing a written consent with the Court and who also agree to be represented by plaintiffs’ counsel, such persons making claims under the FLSA for the applicable period after March 23, 2018, until entry of judgment after trial.

7. Plaintiffs are informed and believe, and based thereon allege that there are at least 500 putative FLSA class members who could “opt in” to this case, the actual number of FLSA class members is readily ascertainable by a review of the defendant’s records through appropriate discovery, and the plaintiffs propose to take proceedings in this action to have such persons notified of this litigation and given an opportunity to file written consents to join this litigation.

8. Defendant is an enterprise engaged in commerce within the meaning of the FLSA that uses and/or produces or ships goods in interstate commerce or goods that have so moved in interstate commerce and have gross revenue in excess of \$500,000 a year and/or are otherwise employers subject to the provisions of the FLSA in respect to their employment of the plaintiffs.

9. As of March 23, 2018, pursuant to 29 U.S.C. § 203(m)(2)(B) and § 216(b) the defendant was charged with an obligation to allow the plaintiffs to retain, for themselves, the tips bestowed upon them by customers and prohibits the defendant from keeping those tips “...for any purposes, including allowing managers or supervisors to keep any portion of employees' tips regardless of whether or not the employer takes a tip credit.” Any failure by the defendant to comply with the foregoing obligation renders the defendant liable, pursuant to 29 U.S.C. § 216(b) “...to the employee or employees affected in the amount of the sum of any tip credit taken by the employer and all such tips unlawfully kept by the employer, and in an additional equal amount as liquidated damages.”

10. Defendant has failed and refused to abide by the legal obligations imposed upon it by 29 U.S.C. § 203(m)(2)(B) in that it has compelled the plaintiffs after March 23, 2018 to turn over to the defendants a portion of their tips, the

1 defendant requiring the distribution of such monies to the supervisors or managers of  
2 the plaintiffs.

3 11. Defendant has required the plaintiffs, as a condition of their employment,  
4 to pool and share their tips with other employees who do not customarily and regularly  
5 receive tips, such tip pool and/or tip sharing also violating the legal obligations  
6 imposed upon defendant by 29 U.S.C. § 203(m)(2)(B) in that it has compelled the  
7 plaintiffs after March 23, 2018 to turn over to the defendants a portion of their tips, the  
8 defendant requiring the distribution of such monies to other employees of the  
9 defendant who do not customarily and regularly receive tips.

10  
11 12. Defendant's aforesaid violations of the FLSA were intentional, willful and  
12 knowing. Such willful violations are established by, among other things, defendants'  
13 counsel knowledge of the amendment made to the FLSA effective March 23, 2018 and  
14 that govern the claims made herein.

15  
16 13. As a result of the foregoing the plaintiffs, on behalf of themselves and all  
17 other persons who join in this action by filing written consents with the Court and who  
18 agree to be represented by plaintiffs' counsel, seek to collect their full damages for the  
19 defendants' aforesaid violations of the FLSA that have occurred on and after March  
20 23, 2018, to wit, the value of the tips taken from them by the defendants along with an  
21 equal amount of liquidated damages as provided for under 29 U.S.C. § 216(b), together  
22 with attorneys' fees, costs, interest and such other relief as the Court may deem proper.

23  
24 WHEREFORE, plaintiffs demand the relief on each cause of action as alleged  
25 aforesaid, together with costs, interest, attorney's fees and such other relief as the  
26 Court deems just.

1 Plaintiffs demand a trial by jury on all issues so triable.

2 Dated this 16th day of May, 2018

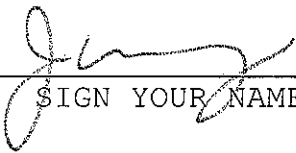
3 Leon Greenberg Professional Corporation

4  
5 */s/Leon Greenberg*

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8 2965 South Jones Boulevard - Suite E3  
9 Las Vegas, Nevada 89146  
10 (702) 383-6085  
11 Attorney for Plaintiffs  
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CONSENT TO JOINDER

By signing below I hereby consent to join this case as a plaintiff pursuant to 29 U.S.C. 216(b) and be represented by the attorneys Leon Greenberg, Mark Thierman, J.P. Kemp and Robin Potter pursuant to a written retainer agreement I have executed with them.

  
SIGN YOUR NAME

Joseph Cesarz  
PRINT YOUR NAME

YOU MUST ALSO FILL OUT AND SIGN A RETAINER FORM

ORIGINAL OF THIS FORM SHOULD BE RETURNED TO:

LEON GREENBERG, ATTORNEY AT LAW  
2965 SOUTH JONES BOULEVARD #E-4  
LAS VEGAS, NV 89146

CONSENT TO JOINDER

By signing below I hereby consent to join this case as a plaintiff pursuant to 29 U.S.C. 216(b) and be represented by the attorneys Leon Greenberg, Mark Thierman, J.P. Kemp and Robin Potter pursuant to a written retainer agreement I have executed with them.

*JM. Sm* 1/17/2013  
SIGN YOUR NAME

*QUY NGOC TANG*  
PRINT YOUR NAME

YOU MUST ALSO FILL OUT AND SIGN A RETAINER FORM

ORIGINAL OF THIS FORM SHOULD BE RETURNED TO:

LEON GREENBERG, ATTORNEY AT LAW  
2965 SOUTH JONES BOULEVARD #E-4  
LAS VEGAS, NV 89146

	A	B
1	LAST NAME	FIRST NAME
2	(Sangco) Louie	Jocelyn
3	Abea	Justin
4	Adabashi	Laurence
5	Aguirre	Sarah
6	Albanese	Joseph
7	Amare	Genet B.
8	Angus	Arsenio L. III
9	Arboleda	Mark Anthony
10	Arceo	Corazon
11	Aromin	Bryan D.
12	Aromin	Rosemarie
13	Artiga	Fredi
14	Ataris	Benjamin
15	Ayele	Genet
16	Bailey	O'dell
17	Baker-Benitez	Laura
18	Ball	Julie
19	Bannourah	Hanna
20	Baty-Kruegel	Marcie
21	Beller	Garrett
22	Benfanti	Leah
23	Bernard	Maria
24	Bigsot	Florentino
25	Bise	Stephen
26	Blair	Donna
27	Blaney	Linda
28	Block	Patricia
29	Boone	Tynisia
30	Borsick	Chong K.
31	Botticello	Alan
32	Bounmasananh	Dianna
33	Brooks	Carla
34	Brown	Estella
35	Brune	Cheryl
36	Bruno	Vince
37	Burbank	Ashley
38	Butler	Montana



	A	B
39	Buzz	Scott
40	Calvelli	Scott
41	Canney	Brian
42	Carabasu	Anca
43	Carbone	Richard
44	Carboni	Michael
45	Cardos	Sebastian
46	Casacchia-Anderson	Marianne
47	Casanova	Jose Miguel
48	Casanova	Marilda
49	Cespedez Jr.	Carlos
50	Chan (Lam)	Amy
51	Chang	Connie
52	Chapman	Regina
53	Chau	Linda
54	Chen	Airong
55	Chen	Brenda
56	Chenh	Jenny
57	Cheung	Chi Tak
58	Cheung	Christopher
59	Chiang	Kai Hong
60	Choi	Yoon H.
61	Christian	Dona
62	Chung	Li
63	Ciliberti	Christina
64	Cincotto	Matthew
65	Collingbourne	Susan
66	Collins	Wendy
67	Colovic	Luka
68	Comastro	Joseph
69	Connelly	Marla
70	Conner	William
71	Corbin	Elizabeth
72	Corona	Mercy
73	Costales	Wilma
74	Cruz	Charito
75	Dai	Vivian
76	D'Amore	Joseph

	A	B
77	D'Andrea	Bryan
78	D'Angelo	Richard
79	Davila-Mota	Ana Rosa
80	Davis	Thomas
81	DeFillippo	Joan
82	Del Prado	Javier
83	Delphin	Sandra
84	Deng	Vivian
85	Desiderio	Marie
86	Devitte	Heather
87	DiGiogio	Mike
88	DiLisio	Tanya
89	Diloreanu	Daniel
90	Dimic	Ana
91	Dizon	Rosalie V.
92	Dizon, Jr.	Zoilo V.
93	Dong	Ze
94	Dueas	Candida
95	Dunlap	Amber
96	Duong	Vivian
97	Durando	Dennis
98	Dzama	Christina
99	Egan	Lauren
100	Elliott	Earnest
101	Eslinger	Jeffrey
102	Espiratri	Mark
103	Espiritu	Evangeline
104	Espiritu, Jr.	Lutgardo
105	Evans	Jake
106	Fadel	Claudia
107	Falchi	Robert
108	Fatooh	Su-kyoung
109	Ferrara	Dan
110	Fontana	Sebastiana
111	Francis	Chad
112	Friedman	Daniel
113	Fujino	Kent
114	Fuller	Colleen

	A	B
115	Funk	Dezari
116	Gadberry	Christopher David
117	Gahagan	Barron
118	Garcia	David
119	Garcia	Lourdes
120	Garcia	Wiston
121	Garcia	Yelina
122	Geiger	Chris
123	Gentry	Richard
124	George	Alejandro
125	George	Julia
126	Georgieva	Katina
127	Getsova	Dragoslava
128	Gilley	Michael
129	Gilman	Jessica
130	Gipson	Mikki
131	Gomez	Dorotea
132	Gomez	Oscar
133	Goodelman	Jay
134	Graves	Orly
135	Green	Diane
136	Guest	Jesse
137	Guidara	April
138	Ha	Jonathan
139	Hackney	Kenneth
140	Hall	Shilah
141	Han	Xiao
142	Harper	Charles M.
143	Hart, Jr.	Richard
144	Hartman	Hilda Monica
145	Hefner	Gloria
146	Henderson-Dean	Brooklynn
147	Herman	Courtney
148	Hill	Lili
149	Hinh	Garry
150	Ho	Charly
151	Ho	Nancy
152	Hoffman	Jeff

	A	B
153	Holland	Ma Andrea
154	Hollowell	Britt
155	Holton	Sandra
156	Horwitz	Michael
157	Hou	Cindy
158	Hsu	Joyce
159	Hubert	Cameron
160	Humble	Barbara
161	Hupp	Nicky
162	Huynh	John
163	Insixiengmai	ViphaKone
164	Iorgulescu	Adrian
165	Jackson (nee Timm)	Joanne
166	Jackson Jr.	Herbert
167	Jaeger	Jeff
168	Jatico	Roy
169	Jiang	Jin Hua
170	Jiao	Rao
171	Johnson	Kristy
172	Johnston	Maria
173	Johonnot	Thomas
174	Jokic	Milica
175	Jones	Mai
176	Jones	Marlon
177	Kaphengst	Judy
178	Katzenberger	Daniel
179	Keck	Tasha
180	Keldysheva	Olga
181	Kelly	Saakanoush
182	Kerbs	Hope
183	Killebrew	Martha
184	Kim	Alex
185	Kim	Guevara Huong
186	Kim	Toan D.
187	Kissman	Michael
188	Kloos	Christy
189	Ko	Ki Suk
190	Kosaiyakanon	Maria Lourdes S.

	A	B
191	Kreml	Jeannine
192	Kruegel	Jason
193	Kubota	Wade
194	Kusasira	Martin
195	Lam	Raymond Y.
196	Laporta	Joseph F.
197	Larrieu	Alain
198	Lau	Julie
199	Lau	Loretta
200	Lauret	Isbert
201	Le	Nhu Quynh
202	Leavitt	Kathryn
203	Lebeau	Wayne
204	Leddy	Donna A.
205	Lee	Anita
206	Lee	Hei
207	Lee	Hsiu
208	Lee	Jacky
209	Lee	Jade
210	Lee	Sang
211	Lee	Tai Kyung
212	Lee	Terri
213	Lee	Ting
214	Lee	Winston
215	Lei	Leila
216	Li	Jie Min
217	Li	De Jian
218	Li	Jin Yuan
219	Lim	Karen
220	Liosi	Catherine M.
221	Liu	Suifen Liu
222	Liu	Yan
223	Lo	Wei Hong
224	Lody	Charles E. Jr.
225	Long	May
226	Lovrince	Jeannine
227	Luk	Yang
228	Luna	Sheileen

	A	B
229	Luna	William
230	Luu	Phuong
231	Ly	Ann Chon
232	Maniscalco	Joseph
233	Manning	Billy
234	Martin	Delia
235	Martin	Delia D.
236	Martin	Tim
237	Mason	Joseph
238	Matteucci	Thomas
239	Matthews	Andre
240	Mauro	Claudio
241	McAnallen	Uyen
242	McCall	Kenny
243	McCall	Zinash
244	McDowell	Janice
245	McEwan	Laura
246	McKenzie	Tramel
247	Medina	Toni R.
248	Meeke	Pamela
249	Melchionne	Marianne
250	Miguel	Harry Joe
251	Miller	Jeffrey
252	Misca	Andreas
253	Moore	Derek
254	Moore	Holly
255	Morrison	John
256	Moss	Michael
257	Moss	Myung
258	Munoz	Verna
259	Murray	Kelly
260	Mussa	Maria
261	Myers	David
262	Myrick	David
263	Nanao	Vivian
264	Nelson	Maria Luisa
265	Newton	Andy
266	Ng	Rebecca

	A	B
267	Nguyen	Son H.
268	Nilat	Chanida
269	Norman	Christopher
270	Norman	Cindy
271	Nuas	Adam
272	Oak	Julissa
273	Odo	Randy
274	Okbazion	Yonoton
275	Olaivar	Noemi
276	Olson	Corey
277	Owens	Matthew
278	Padilla	Maria
279	Padron	Sandro
280	Palmair	Ric
281	Pascual	Siden
282	Payanouvong	Nang
283	Payne	John
284	Perez	Osmany Morales
285	Perez	Rodolfo
286	Peron	Alan
287	Perri	Nicholas J.
288	Perry	Richard
289	Petrakos	Melissa
290	Petty	Marlene
291	Phipps	Dilek
292	Phipps	Peter
293	Pinar	Yardlie A.
294	Placeres	Walter
295	Plourde	Danny
296	Pochiro	Jennifer
297	Pontrelli	Tom
298	Poon	Juneau
299	Porter-Thomas	Sellina
300	Powell	Unchu
301	Praus	Michelle
302	Premvaree	Nakorn
303	Price	LaVone
304	Puentes	Fermin

	A	B
305	Race	Courtney
306	Ramos	Holly
307	Reiner	Carla
308	Reynolds	Michael
309	Richardson	Brenda
310	Ritchie	Xu
311	Roach	Anthony
312	Robertson	Carol
313	Rodriguez	Tatiana
314	Rojas	Armando
315	Ross	Michelle
316	Rossi	Kelli
317	Roxas	Casey
318	Ruiter	Cindi
319	Rutechki	Jeff
320	Ryan	Beata
321	Sabaduanari	Jean Paul
322	Sachs	Grace
323	Salomoun	Shadi
324	Santos	Marites
325	Santos	Rachel
326	Sax	Charles
327	Schwartz	Jonathan
328	Sell	Abegaille
329	Sellers	Richard
330	Shabanava	Natallia
331	Sharp	John
332	Shen	Xiangqun
333	Shiferaw	Gobena
334	Shin	Young
335	Shu	Nguyen
336	Shu	Pamela
337	Silim	Ty
338	Sim	Byung
339	Singer	Billye
340	Sisowath	Sonia
341	Smiley	Gary
342	Smith	Eric Scott



	A	B
343	Smith	Monica
344	Smith	Villarosa
345	Solano	Enrique
346	Somers	Jennifer
347	Sosna	Thomas
348	Sprenkel	Jamie
349	Sri	Boramy
350	Staana	Primo
351	Starks	Jacinta
352	Starr	Katy
353	Steffon	Paul
354	Stepanian	Daniel
355	Stybel	Martin
356	Sun	Maiya
357	Surmen	Lerzan
358	Surmen	Lutfi
359	Takeya	Ricky
360	Tan	LiFang
361	Tan	Weida
362	Tang	Quy Ngoc
363	Tanis	Wilnor
364	Thibaut	Debra
365	Tong	Iek Cheong
366	Towner	Pheleance
367	Tran	Chau Buu
368	Tran	Adam
369	Tran	Diem
370	Tran	Thoa
371	Trinh	Kiet Tuan
372	Trinidad	Glorifina
373	Trinidad	Salvador
374	Tsui	Morris Wing
375	Uganiza	Adrian
376	Uljar	Snezana
377	Vaccaro	Thomas
378	Vanderbeek	Cheryl
379	Vekovic	Marko
380	Verba	Peter

	A	B
381	Viado	Marlon
382	Victoria	Ariel
383	Wang	Hong Mei
384	Watkins	Richard
385	Watkins	Tammi
386	Weber	Traci
387	Weinstock	Lian
388	White	Stephen
389	Whitten	Sean
390	Williams	Shannon L.
391	Williamson	Karin
392	Wilson	Brian
393	Wilson	Janette
394	Witner	Gerald
395	Wong	Bonnie
396	Wong	Johnny
397	Worgull	Nancy
398	Wu	Biling
399	Wu	Kai Ching
400	Wuerz	Jamie
401	Xie	Christine Y.
402	Xuang	Jinman
403	Xueping	Zhang
404	Yaros	Michael
405	Yearke	Carol
406	Yilmaz	Senem
407	Yip	Eric
408	Ymeri	Eduard
409	Yoo	John
410	Yoon	Cindy
411	Young	Teresa
412	Youngblood	Scott
413	Yu	Amy
414	Yu	Hong Yu
415	Zaragoza	Joselito
416	Zhang	Jie
417	Zhang	Yi
418	Zhong	Xia

	A	B
419	Zhu	Xiao Hua
420	Zito	Dominic
421	Zuehlsdorf	Julie